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CRL RC No. 279 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 279 of 2024

and

CrI.M.P.No.2701 of 2024

1. J.Arul
S/o. P.Jothi

2.A.Jayaseetha
W/o. Arul

3.A.Aadhithya
S/o. J.Arul, All are residing at Flat
No.103, Tower 10, Esplanade
Apartment, No.75, Vaidyanathan Street,
T.H.Road, Tondiarpet,
Chennai - 600 081.

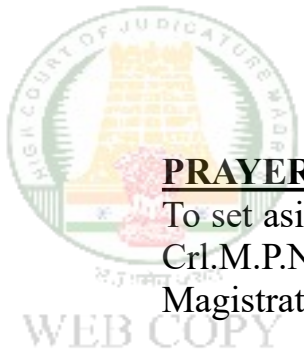
Petitioner(s)

Vs

1. The State Of Tamilnadu Rep.By Its
The Inspector of Police, Team-27,
Central Crime Branch, Vepery,
Chennai - 8.

2.Mr P Jothi
S/o Punnavana Nadar No 660/4
Thiruvootiyur High Road Tondiarpet
Chennai-600 081.
((r2 Suo Motu Impleaded As Per Order
Dt 05/08/2024 In CrI Rc No 279/2024
And CrI Mp No 2701/2024))

Respondent(s)



PRAYER

To set aside order dated 22.11.2023 made in Criminal Miscellaneous Petition in Crl.M.P.No.2446 of 2023 in CC.No.220 of 2022, on the file of Judicial Magistrate-I, Poonamallee.

For Petitioner(s): Mr. R.Veeramani

For Respondent(s): Mr.J.Subbiah Govt.Advocate
(crl.Side) For R1
Mr.V.Chandrasekaran For
Mr.Deelipan For R2

ORDER

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsels on both sides.

2. Mr. R.Veeramani, learned counsel for the petitioners and Mr.J.Subbiah Govt.Advocate (Crl.Side) for first respondent and Mr.V.Chandrasekaran, learned counsel appearing for Mr.Deelipan, learned counsel for second respondent are present.

3. It is brought to the notice of this Court that some error has been crept in paragraph Nos.5 & 7 of the order dated 28.11.2025. The said paragraph Nos.5 & 7 are to be replaced as follows:

“5. The 1st petitioner and defacto complainant ordered to appear before this court and they were appeared. The 1st petitioner



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*would submit that his father has not given any share though he is the eldest son born to the first wife as on date. But, the defacto complainant/father of 1st petitioner admits that he born through his first wife, but he had met loss in business and he helped him to discharge debts, he is leading wayward life and wanted to grab the property by illegal means. But, as on date, he transferred the property through settlement deed and other documents to his legal heirs. However, as on date, the 1st petitioner filed a suit in **C.S.No. 277 of 2025** on the file of this court for partition and other relief in respect of the property belong to the defacto complainant, after enquiry is started, the said present Criminal Revision case has been filed.*

7. Records perused. Considering the fact that already the properties were not stand in the name of defacto complainant nor in the name of 1st petitioner, but there is two settlement deeds executed between the petitioners/accused 1 and 2, however the possession of properties were held by other legal heirs and third parties. So, the validity of settlement deed is now under challenge, besides the 1st petitioner also sought for partition and other relief in respect of all the properties including the property, which is covered under the settlement deed. Therefore, as on date, based on settlement deed, the petitioners have not derived any right and title. Therefore, until



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*disposal of partition suit, they are not entitled to create any encumbrance including pledging and mortgaging by using the settlement deed. Considering the pendency of partition suit, now the case is pending before the criminal court is unwanted one. Liberty is granted to the petitioners to work out their remedy before the civil court. Until then, they are directed not to make any encumbrance over the property covered under the settlement deed dated 04.02.2019 and on 10.04.2019. The Sub-Registrar, Royapuram as well as Thiruvottiyur are directed not to register any document based upon two settlement deeds **Dt.04.02.2019 D.No.951/19 (Thiruvottiyur), Dt.10.04.2019 D.No.4189/19 (Royapuram)** until disposal of partition suit. Furthermore, those original settlement deeds are ordered to be submitted before the trial court, since the matter is involved with regard to the right and title over the property. If any deviation, this case will be reopened. Further, the sale agreement **D.No.5326/19 on the file of SRO, Thiruvottiyur**, also not to be implemented until disposal of the partition suit. Accordingly, this Criminal Revision Case is allowed. The petitioners are discharged from all the charges. **Trial can be proceed without influence of the order passed by this court.**”*



4. Registry is directed to incorporate the above paragraph Nos.5 & 7 of the order dated 28.11.2025, quoted above and issue fresh order copy to the parties forthwith.

5. In all other respects, the order dated 28.11.2025, in the above Criminal Revision shall remain unaltered.

18-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
rri



To

1. The State Of Tamilnadu Rep. By Its
The Inspector of Police, Team-27,
Central Crime Branch, Vepery,
Chennai - 8.

2. Mr P Jothi
S/o Punnavana Nadar No 660/4
Thiruvootiyur High Road Tondiarpet
Chennai-600081
((R2 Suo Motu Impleaded As Per Order
Dt 05/08/2024 In Crl Rc No 279/2024
And Crl Mp No 2701/2024))

3. The Judicial Magistrate No.I.
Poonamallee.



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CRL RC No. 279 of 2024



T.V.THAMILSELVI J.
rri

CRL RC No. 279 of 2024
and
CrI.M.P.No.2701 of 2024

18.12.2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28-11-2025

CORAM
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 279 of 2024
AND
CRL MP NO. 2701 OF 2024

1. J.Arul
S/o. P.Jothi
2. A. Jayaseetha
W/o. Arul
3. A. Aadhithya
S/o. J.Arul,
All are residing at Flat No.103, Tower 10,
Esplanade Apartment, No.75, Vaidyanathan
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..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep.By ItsThe Inspector of Police,
Team-27, Central Crime Branch,
Vepery, Chennai – 8.
2. Mr P Jothi
S/o Punnavana Nadar
No 660/4 Thiruvotiyur High Road
Tondiarpet Chennai-600081
(R2 Suo Motu Impleaded as Per Order
Dt 05/08/2024 In Crl Rc No 279/2024
And Crl MP No 2701/2024))

..Respondent(s)

CRL RC No. 279 of 2024

To set aside order dated 22.11.2023 made in Criminal
Miscellaneous Petition in Crl.M.P.No.2446 of 2023 in CC.No.220 of 2022, on
the file of Judicial Magistrate-I, Poonamallee.



CRL MP No. 2701 of 2024

To grant interim Stay of all further proceedings, pursuant to the impugned order dated 22.11.2023 made in Crl.M.P.No.2446 of 2023 in CC.No.220 of 2020 on the file of Judicial Magistrate-I, Poonamallee.

For Petitioner(s): Mr. V.P.Sengottuvel
for Mr. R.Veeramani

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)
For R1

Order

Challenging the impugned order passed by the Judicial Magistrate No.1, Poonamallee in Crl.M.P.No. 2446 of 2023, dated 22.11.2023, the petitioners/accused 1 to 3 have preferred this Criminal Revision Petition.

2. Before the trial court, the petitioners have filed a petition under Sec.239 of Cr.P.C. praying to discharge them from the charges under Sec.465, 467, 468, 471 r/w Sec.109 and 34 of I.P.C. in Crime No.09 of 2020. The said petition was dismissed by the trial court stating that as per the final report, there is prima facie materials available to prosecute the petitioners/accused 1 to 3 and hence, the trial court is inclined to discharge them from charges levelled against them. Aggrieved over the said findings, the petitioners have preferred this Criminal Revision Case.



3. Brief facts of the case is as follows :-

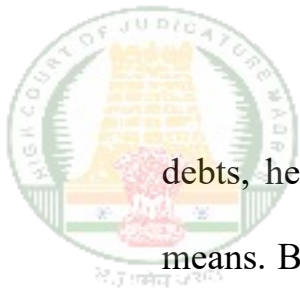
The defacto complainant is the father of the 1st petitioner, who gave a complaint stating that the 1st petitioner without any right whatsoever executed the settlement deed dated 04.03.2019 with regard to the property belongs to him as per Koorchhit dated 15.06.1984, thereafter he settled the property in favour of wife on 04.02.2019 and having come to know that this petitioner/A1 executed a settlement deed on 04.02.2019 in favour of his wife, who in turn executed a settlement deed in favour of her husband on 10.04.2019, thereby created forged and fabricated record. Based on the said settlement deed, they have entered into sale deed with a third party. Therefore, the father of 1st petitioner/accused gave a complaint and based on that complaint, F.I.R. in Crime No.9 of 2020 was registered for an offence under Sec. 465, 467, 468, 471 of I.P.C. Thereafter, final report was filed and the criminal case was taken on file in C.C.No.220 of 2022 against all the three accused. The 1st accused is son born to first wife of defacto complainant. The 2nd petitioner is wife of A1. The 3rd petitioner is son of A1. Thereafter, they have filed a petition before the trial court to discharge them from the charges stating that they have not committed any forgery or fraudulent document and also challenged the Koorcit, which was relied on by the defacto complainant stating that it was an unregistered document, through which his father is not having absolute right nor entitled to transfer the property including his share. Therefore, he challenged the koorchhit as well as right of defacto complainant and prayed to discharge them before the trial court stating that the



allegation of forgery and other charges levelled against them without any evidence. But, the said petition was dismissed. Hence, he prayed to set aside the findings of trial court.

4. The learned counsel for defacto complainant would submit that the 1st petitioner and the defacto complainant having long dispute all these days and they were separated from the family. The defacto complainant, after the death of first wife, got second marriage and begotten child, to whom he settled the property long back. Having come to know that he created a forged settlement deed without having any right, since the properties are in possession of his children and other third party more than a decade. Apart from that, he has also executed a settlement deed in favour of his wife and she in turn executed a settlement deed in favour of petitioner with an intention to cause encumbrance and fabricated the records to defraud his legitimate right over the property. Since he insisted to go for trial, he prayed to dismiss the Criminal Revision Case as no merit.

5. The 1st petitioner and defacto complainant ordered to appear before this court and they were appeared. The 1st petitioner would submit that his father has not given any share though he is the eldest son born to the first wife as on date. But, the defacto complainant/father of 1st petitioner admits that he born through his first wife, but he had met loss in business and he helped him to discharge



debts, he is leading wayward life and wanted to grab the property by illegal means. But, as on date, he transferred the property through settlement deed and other documents to his legal heirs. However, as on date, the 1st petitioner filed a suit in O.S.No. 277 of 2025 on the file of this court for partition and other relief in respect of the property belong to the defacto complainant, after enquiry is started, the said present Criminal Revision case has been filed.

6. The defacto complainant also raised objections stating that as on date, the settlement deed stands in the name of 1st petitioner and the sale agreement causing encumbrance over the property, for which he is not entitled to create. But, the learned counsel for petitioners would submit that they wanted to work out their remedy in the partition suit, but they are not inclined to cancel the settlement deed at this stage.

7. Records perused. Considering the fact that already the properties were not stand in the name of defacto complainant nor in the name of 1st petitioner, but there is two settlement deeds executed between the petitioners/accused 1 and 2, however the possession of properties were held by other legal heirs and third parties. So, the validity of settlement deed is now under challenge, besides the 1st petitioner also sought for partition and other relief in respect of all the properties including the property, which is covered under the settlement deed. Therefore, as on date, based on settlement deed, the petitioners have not derived



any right and title. Therefore, until disposal of partition suit, they are not entitled to create any encumbrance including pledging and mortgaging by using the settlement deed. Considering the pendency of partition suit, now the case is pending before the criminal court is unwanted one. Liberty is granted to the petitioners to work out their remedy before the civil court. Until then, they are directed not to make any encumbrance over the property covered under the settlement deed dated 04.02.2019 and on 10.04.2019. The Sub-Registrar, Royapuram as well as Thiruvottiur are directed not to register any document based upon two settlement deeds until disposal of partition suit. Furthermore, those original settlement deeds are ordered to be submitted before the trial court, since the matter is involved with regard to the right and title over the property. If any deviation, this case will be reopened. Further, the sale agreement also not to be implemented until disposal of the partition suit. Accordingly, this Criminal Revision Case is allowed. The petitioners are discharged from all the charges. The Trial Court is directed to proceed with the trial without influence of the order passed by this court.

28-11-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP



To

1. Judicial Magistrate-I, Poonamallee.
2. The Inspector of Police, Team-27, Central Crime Branch, Chennai-8.
3. The Public Prosecutor, High Court, Madras.



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